

Appl. No. 09/982,481
Preliminary Amendment dated June 12, 2006
Reply to final Office action of January 25, 2006

REMARKS

Applicants have received the final Office action dated January 26, 2006, in which the Examiner: 1) rejected claims 31 and 33-39 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; 2) rejected claims 31 and 33-39 under 35 U.S.C. § 112, second paragraph, as being indefinite; and 3) rejected claims 31 and 33-43 under 35 U.S.C. § 103(a) as being unpatentable over Tabei et al. (U.S. Pat. No. 5,929,863, hereinafter "Tabei") in view of Davies et al. (U.S. Pat. No. 6,400,366, hereinafter "Davies") and Mead et al. (U.S. Pat. No. 5,801,688, hereinafter "Mead"). With this Preliminary Amendment, Applicants have canceled claims 31 and 33-43 and introduced new claims 44-62.

Applicants believe the Examiner's § 112 concerns now to be moot in light of the newly added claims.

Applicants will now explain why the newly added claims are allowable over the art of record.

I. OVERVIEW OF TABEL

Tabei is directed to a record extraction method and apparatus in which a distribution graph is displayed on the basis of records retrieved from a database. The Abstract of Tabei is particularly informative of the nature of the invention disclosed therein:

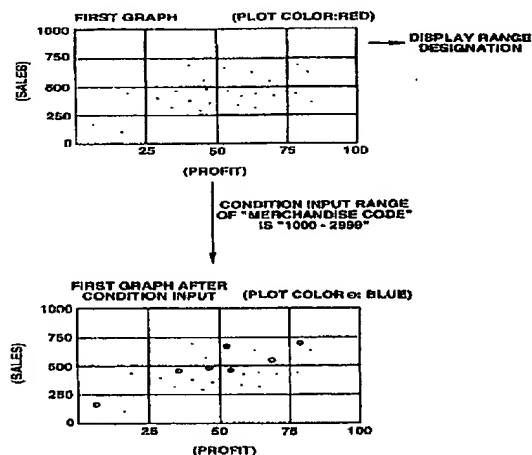
In performing record retrieval processing, a record retrieval processor forms a two-dimensional distribution graph from a plurality of records stored in a record file on the basis of designated items on the x- and y-axes and displays the distribution graph on a display unit. When a retrieval range is designated on the displayed distribution graph, the record retrieval processor retrieves records within the designated range, reads out records on the basis of key codes of the retrieved records corresponding to the items, and displays the readout records on the display unit.

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An exemplary graph produced by the invention of Tabei is shown in Figure 11 and reproduced below for convenience.

U.S. Patent Jul. 27, 1999 Sheet 10 of 11 5,929,863

FIG.11



As can be seen, the graphs comprise an x-axis (profit) and a y-axis (sales) and various data points plotted in the graphs based on the x-y coordinates. Also, as can be seen, much blank space exists between dots on the graphs of Figure 11. Figure 11 of Tabei simply shows traditional X-Y distribution diagrams.

II. OVERVIEW OF DAVIES

Figure 7 of Davies shows a bar graph and is reproduced below for convenience. The height of each bar represents an aggregation of records.

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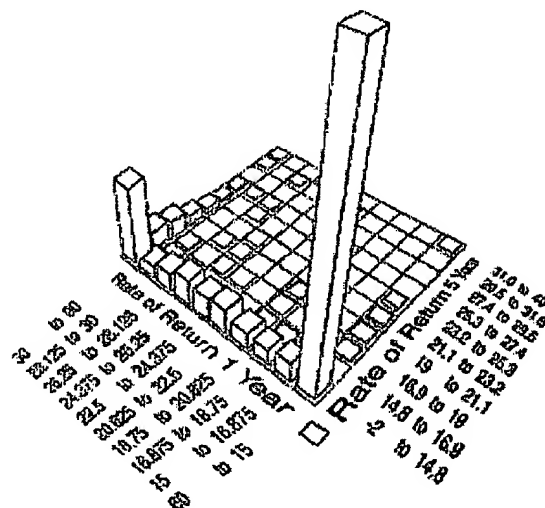
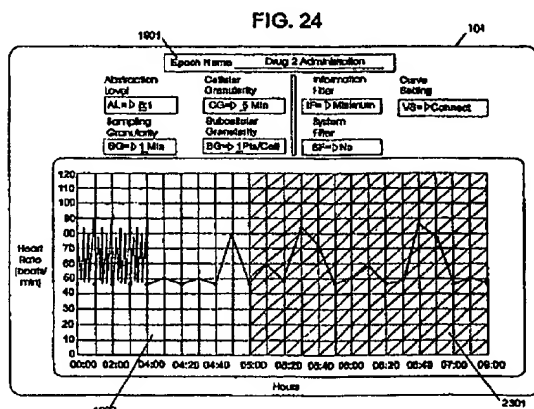


FIG. 7

III. OVERVIEW OF MEAD

The Examiner only briefly mentioned Mead in his prior rejection and specifically referred to Figures 19-25 of Mead. Those Figures show various X-Y graphs on which various data points are plotted. By way of example, Figure 24 of Mead is reproduced below.



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5,801,688

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After obtaining a set of records, Applicants' claim 44 requires "assigning a pixel to each of said records so that every pixel in the chart is assigned a record." Such is not the case in the art of record. On page 10 of the January 25, 2006 Office Action, the Examiner acknowledged that Tabei only shows "a limited number of data points in each graph, for a limited number of records." However, the Examiner contended "Tabei is capable of drawing every data point or every pixel in the graph for a large number of records...." Thus, according to the Examiner, "Tabei teaches assigning records to every pixel in the columns of the distribution graph."

Applicants respectfully submit that the Examiner is inappropriately reading Tabei. Tabei does not actually teach what the Examiner has suggested. Tabei clearly does not teach applying a record to each and every pixel in a distribution graph. The X-Y graphs of Tabei would be unreadable if every pixel were rendered with an associated record. The pixel bar chart of claim 44, however, is intended to have records assigned to all of its pixels. The pixel bar chart of claim 44 is a fundamentally different type of graphical depiction than the X-Y distribution graph of Tabei. No other art of record satisfies this deficiency of Tabei. At least for this reason, claim 44 and all claims dependent thereon are allowable.

Applicants wish to make an additional point regarding dependent claim 48. According to claim 48, "the pixel bar chart comprises a plurality of columns, each column comprising a plurality of pixels and having a width measured in terms of pixels, and the method further comprises causing the width of at least one column to be different than the width of at least one other column." The Examiner has admitted that Tabei does not disclose columns of different width. Instead, the Examiner uses Davies for the claim limitation of different width columns.

As is clearly apparent from Figure 7 of Davies (see above), the width of each column, in terms of pixels, is the same from column to column. The height of the bars varies of course and the data range of each row/column may be vary, but the width of each column, in terms of numbers of pixels, is constant. No other art of record satisfies this deficiency of Davies.


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The arguments articulated above apply to various of the remaining pending claims.

IV. CONCLUSION

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,


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